IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

THOMAS A. HUMPHREY, SR.)
)
V.) NO. 3-11-0119
WRIGHT WELLE DOLLGINHE CORD) JUDGE CAMPBELL
KRISPY KREME DOUGHNUT CORP.)

ORDER

Pending before the Court is Defendant's Motion for Summary Judgment (Docket No. 20), to which no Response has been timely filed. Failure to file a timely response to a motion indicates there is no opposition to the motion. Local Rule 7.01(b). Failure to respond to a moving party's statement of material facts within the time periods provided indicates that the asserted facts are not disputed for purposes of summary judgment. Local Rule 56.01(g).

The Court has reviewed the Defendant's Motion for Summary Judgment and supporting documents, pursuant to Stough v. Mayville Community Schools, 138 F.3d 612, 614 (6th Cir. 1998), and finds that Defendant has carried its burden to show that there are no disputed issues of fact and that Defendant is entitled to judgment as a matter of law. Specifically, Defendant has shown that Plaintiff's retaliation claim is time-barred pursuant to Tenn. Code Ann. § 4-21-311 and § 28-3-104. *See also Weber v. Moses*, 938 S.W.2d 387, 389-90, 393 (Tenn. 1996).

Accordingly, Defendant's Motion is GRANTED, and this action is DISMISSED. Any other pending Motions are denied as moot, and the Clerk is directed to close the file. This Order shall constitute the final judgment in this case pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.

TODD J. CAMPBELL

UNITED STATES DISTRICT JUDGE

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